

SUTTON CONSERVATION COMMISSION

August 5, 2015
MINUTES

Approved: 

Present: Daniel Moroney, Chairman, Joyce Smith, Co-Chair, Robert Tefft, and William Wence
Unavailable: Lauren Rothermich,
Staff: Wanda M. Bien, Secretary
Brandon Faneuf, Consultant

Public Hearing (New)

7:00pm 153 Manchaug Road
No DEP# RDA filed

The Public Hearing was opened at 7:00pm. D. Moroney read the hearing notice as it appeared in the Millbury Sutton Chronicle.

The project consists of removal of infested birch tree.

Present: Marjory Duff, owner

M. Duff explained the tree was removed on July 16th and was infested from the top to the bottom. She will be glad to replace this tree after Labor Day when it's a little cooler.

Motion: To close the Public Hearing, by J. Smith
2nd: W. Wence
Vote: 4-0-0

Motion: To ratify the Emergence Certificate, by J. Smith
2nd: W. Wence
Vote: 4-0-0

Motion: To issue a Determination of Applicability, by J. Smith
2nd: W. Wence
Vote: 4-0-0

BOARD BUSINESS

7:05pm 171 Worc. Prov. Tpke/Market 32 at PV Crossing
DEP#303-0604

Present: Phil Doherty, Mid-Point Engineering, Art Allen, Eco Tec

This is a Request for (1) an Ext. OOC & (2) a Partial Certificate of Compliance to allow Market 32 to open before Labor Day.

P. Doherty explained their request using the attached memo asking for a three year extension on their Order of Conditions with a new date of September 17, 2018.

See Attachment #1 from Mid-Point

Motion: To extend the Order of Conditions to September 17, 2018, by J. Smith
2nd: W. Wence
Vote: 4-0-0

P. Doherty also said they need a partial Certificate of Compliance on Market 32 only for the Building Department to allow them to open before Labor Day. The four other buildings would be under construction by November of 2015. There is no agreement for the larger building in Phase II at this time. The site is stabilized and Ground Scapes would take care of the invasive controls.

B. Faneuf stated that the lawyer will check on this, as the OOC has expired. The thought was that once the amendment was issued, that gave three more years on the OOC. However the expiration date on the OOC stayed the same in 2015.

A. Allen explained what was in his SNIPP report, and about the trash that has already been removed. It would be closely watched in the future and any trash removed.

The Commission has asked them to come to the next meeting on August 19th at 7:45pm after checking with the lawyer on the technicalities of the partial Certificate of Compliance, at which time the Commission could sign a partial Certificate.

The Board approved the Minutes of July 1, 2015 and July 15, 2015.

Motion: Approve the minutes of July 1, 2015 and July 15, 2015, by J. Smith
2nd: W. Wence
Vote: 4-0-0

There are no routing slips to be signed.

The Board Re-sign a misplaced C of C for **62 Eight Lots Road**/M. Smith, owner, to close out the old Lien on the property.

A Letter would be sent to **139 Boston Road/Bank of America** by MassDOT to the current owners for the removal of the weir in stream for MassDOT.

A Letter to be sent to **151 Mendon Road**/R. Darren to come in and explain the herbicides sprayed along the road and stream bank killing all the vegetation.

A Complaint received to review a tree taken down without a permit.

13.5 W. Sutton Road/P. Jernberg – Request for an Emergency Certificate, however a letter was sent, after the last meeting, along with a Request for Determination. The paperwork has not been received yet.

27 Marsh Road/Jenny Fields, owner – a picture of the lakeside was left in the Conservation mail box. We need to know what was there before this picture was received to do a comparison. A letter would be sent to the owner to file a Request for Determination and to explain the picture received.

192 Manchaug Road/Stephen Porter, owner – Complaints came in about the cutting of the trees in the view corridor. Their lot clearing was permitted by their OOC.

B. Faneuf explained the view corridor was 25% of the footage, which is a standard rule, which is allowed.

Discussions:

36 (AKA 42) McGuire Road/T. Barlow – A letter was sent because trees were not planted from the 2005 Order of Conditions. The new owner doesn't want to plant the trees on his property. They can either plant the trees or file a new NOI for an OOC without the trees being planted.

Letters were also sent out to:

11 (Lot 2) Dudley Drive (aka 301 Boston Road) M16 & P151 – wetland issue information is needed from a Wetlands Scientist, as to where these are, and if they are far enough away from the project.

383 Boston Road/Elementary School/Early Learning Center - Dumping in the Wetlands behind the school is not allowed. A letter was sent to Ted Friends, Roger Raymond and the School Committee.

11 Carr Street – A Letter was sent to explain what is still needed for them to received their Certificate of Compliance.

Enforcement Order:

277 Central Turnpike/Murray – A letter was sent on June 24, 2015, with no response. D. Moroney will do a site visit for the next meeting on August 19th.

Site Visits for C of C's:

53 Sibley Road- #303-193/M. Sanderson, owner, needs a Certificate of Compliance to close out the old Order of Conditions Lien on this property.

6R Torrey Road - #303-0737/M. Flagg, owner needs a Certificate of Compliance to close out the Lien on this property also.

B. Faneuf explained the past history of removing the house and building the new house. They still need to plant two native trees. A letter needs to go to the owners to come in and explain their non-action.

OOO Extension: **78 Torrey Road/C. Kroll**, owner, said some of the work has been done but no building was installed, OOC was due in March 2015, and she didn't realize that she needed to do an extension if no work was started (Driveway, house, etc).

Motion: To issue an extended OOC for 78 Torrey Road, by J. Smith
2nd: W. Wence
Vote: 4-0-0

Board Reconfiguration

To change the chairman, however this was tabled to the next meeting when all the Commission is at the meeting.

The Correspondence & Track Sheets were reviewed.

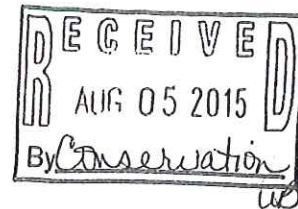
Anyone interested in purchasing the DVD for any public hearing at this meeting, please contact Pam Nichols in the Cable office or you can view the minutes and video at www.suttonma.org.

Motion: To adjourn, by J. Smith
2nd: W. Wence
Vote: 4-0-0

Adjourned at 8:30pm.

Memorandum

To: Town of Sutton, Conservation Commission
From: Patrick Doherty
CC: file
Date: 8/5/2015
Re: Request for extension of OOC related to DEP file No. 303-0604



Below is a summary of the OOC related to DEP File No. 303-0604

Original OOC issued to Coldspring Brook, LLC on 4-4-2007

June 27, 2008 MEPA issued a certificate on the Final EIR

The Conservation Commission Amended the OOC issued to Coldspring Brook, LLC on 9-17-2008
This OOC indicates expiration 3 years from its issuance which would be 9-17-2011

Permit Extension Act automatically extended its expiration 4 years until 9-17-2015

An Amended OOC was issued to Galaxy Sutton, LLC on 6-6-2013. Section C - General Condition item 6 indicates that the expiration does not automatically with granting of the amended OOC.

A Lawsuit was filed against the project which stays expiration of project related permits for its duration which was 414 days.

An Amended OOC was issued to Galaxy Sutton, LLC on 10-2-2014. Section C- General Condition item 6 indicates that the OOC expires on 5/19/2015. We believe that date certain is not correct and should be either 9-17-2015 or 11-5-2016 (if 414 days is added to the expiration due to the lawsuit).

Work on the project initiated sometime around Sept 1, 2014 with submission of bond and installation of erosion controls. Construction schedules submitted at the time of construction indicated completion of Phase I construction in approximately 1 year from the start of construction.

To date, most of the Phase I work within or near to resource areas is complete. An exception to this includes the Boston Road widening work, the Retail B building footprint and the Bank building, including its parking lot.

We expect all remaining work adjacent to or within resource areas to be complete by the end of this year. Work associated with the Boston Road widening will be complete within 30 days.

Completion of the Phase II construction (Home Improvement building and its parking area) is not known at this time. Work for phase II is not within resource areas.

We have requested that the OOC be extended for a period of 3 years to complete all work, including phase II construction. If granted we assume that the expiration date would be extended to 9-17-2018.

Date: 8-5-15

[illegible]